

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

	Takashi Nagase, et al.	Examiner:	Michael Aboagye
Serial No.:	10/785,152	Art Unit:	1725
Filed:	February 24, 2004	Confirmation No.:	8157
Title:	Soldering Iron Tip and Method of Manufacturing Same		

Attn: Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir or Madam:

Applicants respectfully request a refund for the entire fee of \$1,020 that was charged by the Office against Deposit Account No. 07-1850 in connection with the paper filed May 3, 2007 (Response to Restriction Requirement). Applicants have attached copies of the Sales Receipt issued by the Office (see Exhibit A) and the paper filed May 3, 2007 (see Exhibit B). A Deposit Account Statement containing the charges applied to Deposit Account No. 07-1850 regarding the relevant filing for our docket number 47434.66 on May 7, 2007 is also attached (see Exhibit C, page 2).

I. Full Refund

As indicated on the attached paper filed May 3, 2007 (Exhibit B), the examiner issued an office action (Restriction Requirement mailed January 25, 2007) with an error, namely a requirement to elect from among claims no longer pending in the application. Applicants informed the examiner of the error by telephone within one month of the office action. Although the examiner stated that a corrected office action would be issued, a corrected office action did not appear forthcoming. Applicants filed a written response via the paper filed May 3, 2007 in order to avoid abandonment of the application. Thereafter, the examiner issued a corrected office action (Restriction Requirement dated May 9, 2007), which set a new time period for reply and in which it is stated at paragraph 1 that the "Prior restriction requirement mailed January 25, 2007, withdrawn." A copy of the corrected office action is attached for reference (see Exhibit D). Applicant's response to the corrected office action was timely filed on June 7, 2007.

For the reasons set forth above, Applicants respectfully request a refund of **\$1,020.00** via a credit to Deposit Account No. 07-1850.

II. Partial Refund due to Small Entity Status

If the Office decides not to refund the entire \$1,020.00 that was charged, Applicants respectfully request a refund of \$510.00 via a credit to Deposit Account No. 07-1850. The Assignee of this application is a small entity and is entitled to pay small entity fees. Applicants claimed small entity status at box 2 of the Utility Patent Application Transmittal filed February 24, 2004, of which an annotated copy is enclosed for reference (see Exhibit E). There has been no change in status from small entity to large entity.

Please do not hesitate to contact the undersigned attorney with any comments or questions.

Date: March 31, 2008

SQUIRE, SANDERS & DEMPSEY L.L.P.
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San Francisco, CA 94111
Telephone (415) 954-0241
Facsimile (415) 393-9887

Respectfully submitted,

/Norman Morales/
Norman Morales
Attorney for Applicant
Reg. No. 55,436

REQUEST FOR REFUND

EXHIBIT A

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 05/07/2007

SCHAPMAN	SALE	#00000002	Mailroom Dt:	05/03/2007	071850	10785152
		01	FC : 1253		1,020.00	DA

REQUEST FOR REFUND

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Takashi Nagase, et al.

Serial No.: 10/785,152

Filed: February 24, 2004

For: **SOLDERING IRON TIP AND METHOD OF
MANUFACTURING SAME**

Group Art Unit: 1725

Examiner: Michael Aboagye

Confirmation No.: 8157

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This paper is responsive to the Office Action of January 25, 2007.

Due to errors in the Office Action, Applicants are unable to make an election. In the Office Action, Examiner Aboagye has required a restriction to claims which are not pending in the application.

Applicants request correction of the errors in the Office Action of January 25, 2007. If a new restriction requirement is issued, **Applicants request the Office to restart the previously set period of reply** to run from the date the error is corrected or the date of remailing of the Office Action, as provided under MPEP 710.06. As indicated below, the error in the

Office Action of January 25, 2007 was brought to the attention of the Office on February 4, 2007, within 1 month of the mail date of the Office Action.

On February 24, 2004, Applicants filed the instant continuation application concurrently with a preliminary amendment, which cancelled claims 1-98 and added new claims 99-150. Accordingly, claims 99-150 are pending in the application as of February 24, 2004.

On January 25, 2007, Examiner Aboagye issued an Office Action requiring a restriction to either claims 1-44 or claims 45-98, all of which were previously cancelled. In addition, the Office Action Summary incorrectly states that claims 1-98 are pending.

On February 4, 2007, a telephone message was left for Examiner Aboagye regarding the error. On March 29, 2007, Examiner Aboagye indicated that another Office Action will be issued. However, another Office Action has not been issued to date.

Applicants believe no fee is required to accompany the filing of this paper. However, if in fact a fee is due to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge and deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

Date:

May 2, 2007

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REQUEST FOR REFUND

EXHIBIT C



**United States
Patent and
Trademark Office**

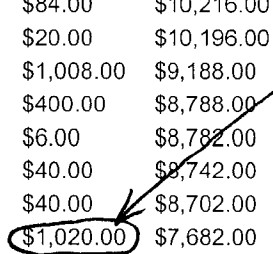


Deposit Account Statement

Requested Statement Month: May 2007
Deposit Account Number: 071850
Name: SQUIRE, SANDERS & DEMPSEY L.L.P.
Attention: TRADEMARK ADMINISTRATOR
Street Address 1: ONE MARITIME PLAZA
Street Address 2:
City: SAN FRANCISCO
State: CA
Zip: 94111
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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05/30

21	11807091	50623.896	1111	\$500.00	\$49,428.00
05/30 22	11807091	50623.896	1311	\$200.00	\$49,228.00
05/30 19	PCT/US07/12358	64676.00048	1601	\$300.00	\$48,928.00
05/30 21	PCT/US07/12358	64676.00048	1702	\$1,086.00	\$47,842.00
05/30 22	PCT/US07/12358	64676.00048	1703	\$48.00	\$47,794.00
05/30 23	PCT/US07/12358	64676.00048	8007	\$20.00	\$47,774.00
05/30 20	PCT/US07/12358	64676.00048	1704	\$2,059.00	\$45,715.00
05/30 141	11807268	38915.83	1011	\$300.00	\$45,415.00
05/30 142	11807268	38915.83	1111	\$500.00	\$44,915.00
05/30 143	11807268	38915.83	1311	\$200.00	\$44,715.00
05/30 145	11807268	38915.83	1202	\$200.00	\$44,515.00
05/30 144	11807268	38915.83	1081	\$250.00	\$44,265.00
05/30 141	78806641	41214.22	6004	\$150.00	\$44,115.00
05/30 142	78806641	41214.22	6003	\$100.00	\$44,015.00
05/30 10497	11706550		8021	\$40.00	\$43,975.00
05/30 10934	2512099	041406.6	7205	\$100.00	\$43,875.00
05/30 10935	2512099	041406.6	7208	\$200.00	\$43,675.00
05/30 127	PAYMENT		9203	-\$26,617.00	\$70,292.00
05/31 5723	77193800	064808.19	7001	\$325.00	\$69,967.00
05/31 164	PCT/US07/12482	62571.00235	1601	\$300.00	\$69,667.00
05/31 165	PCT/US07/12482	62571.00235	1704	\$2,059.00	\$67,608.00
05/31 166	PCT/US07/12482	62571.00235	1701	\$1,008.00	\$66,600.00
05/31 168	PCT/US07/12482	62571.00235	8007	\$40.00	\$66,560.00
05/31 167	PCT/US07/12482	62571.00235	1703	\$132.00	\$66,428.00
05/31 8311	6994998	37291.3	8013	\$25.00	\$66,403.00
05/31 93	11804999	42445.40053	8021	\$40.00	\$66,363.00
	START	SUM OF	SUM OF	END	
	BALANCE	CHARGES	REPLENISH	BALANCE	
	\$28,094.00	\$94,673.00	\$132,942.00	\$66,363.00	

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REQUEST FOR REFUND

EXHIBIT D



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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,152	02/24/2004	Takashi Nagase	47434-00066	8157
7590 05/09/2007 Douglas N. Larson Squire, Sanders & Dempsey, L.L.P. 14th Floor 801 S. Figueroa Street Los Angeles, CA 90017			EXAMINER ABOAGYE, MICHAEL	
			ART UNIT 1725	PAPER NUMBER
			MAIL DATE 05/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/785,152	Applicant(s) NAGASE ET AL.	
	Examiner Michael Aboagye	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 99-150 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 99-150 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Prior restriction requirement mailed on January 25, 2007, withdrawn.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 99-136, drawn to a method of making a soldering tip, classified in class 228, subclass 51.
 - II. Claims 137-150, drawn to a soldering tip classified in class 219, subclass 229.
3. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). A product defined by the process by which it can be made is still a product claim (*In re Bridgeford*, 357 F.2d 679, 149 USPQ 55 (CCPA 1966)) and can be restricted from the process if examiner can demonstrate that the product as claimed can be made by another materially different process. In the instant case, the product of the invention II can be made by materially different process such as electroplating the tip with a metal coating.

Art Unit: 1725

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

~~AM~~
AM



Michael Aboagye
Assistant Examiner
Art unit 1725

05/01/2007

Kevin Kerns
Primary Examiner
AU 1725

Kevin Kerns 5/1/07

REQUEST FOR REFUND

EXHIBIT E

17157 U.S. PTO
022404

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 47434-00066

First Inventor Takashi Nagase

Title SOLDERING IRON TIP AND METHOD OF
MANUFACTURING SAME

Express Mail Label No. EV410063289US

19210 U.S. PTO
101785152

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification (Total Pages 53)
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 15]
5. Oath or Declaration [Total Pages 3]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Application Title Page; Certificate of Mailing

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10, 719,001

Prior application information: Examiner: To be assigned Group Art Unit: To be assigned

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name	Douglas N. Larson				
Address	Squire, Sanders & Dempsey, L.L.P. 801 S. Figueroa Street, 14th Floor				
City	Los Angeles	State	CA	Zip Code	90017
Country	United States	Telephone	(213) 689-5142	Fax	(213) 623-4851

Name (Print/Type)	Douglas N. Larson	Registration No. (Attorney/Agent)	29,401
Signature	<i>Douglas N. Larson</i>	Date	February 24, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

SMALL ENTITY

022404

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 673.00**Complete if Known**

Application Number	To be Assigned
Filing Date	Herewith
First Named Inventor	Takashi Nagase
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	47434-00066

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	07-1853
Deposit Account Name	Squire, Sanders & Dempsey L.L.P.

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
-
- ☒
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	385.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) 385.00**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
52	-20** = 32	9.00	288.00
3	-3** = 0	43.00	0
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 288.00

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Fee Code	Large Entity (\$)	Fee Code	Small Entity (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

Name (Print/Type)	Douglas K. Larson
Signature	<i>Douglas K. Larson</i>

Registration No. (Attorney/Agent)	29,401
-----------------------------------	--------

Complete (if applicable)

Telephone	(213) 689-5142
Date	February 24, 2004

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